

Notice of Allowability

Application No.

09/350,983

Examiner

JAGDISH PATEL

Applicant(s)

PORAT ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/26/07.
2. ☒ The allowed claim(s) is/are 75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This communication is in response to amendment filed 6/26/07.

Response to Amendment

2. Claims 1-74 and 76-116 have been canceled.
3. Claim 75 is pending and has been allowed.

Drawings

4. New corrected drawings in compliance with 37 CFR 1.84 or 1.152 are required . (see attached Draftsperson's drawings review form PTO-948).

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to an electronic auction between a prospective buyer and a plurality of sellers.

Alaia et al. (US 6408283) teaches a system for maintaining providing bid information from a plurality of supplier is ranked based on a plurality of criteria. For example, Alaia teaches ranking the top bids in accordance with respective bid amounts, for example, highest to lowest bid prices for auctioned items.

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Carlton-Foss (US Pat. 6647373) discloses a method and system for presenting auction information to the buyer in a reverse auction. The offers or bids from a plurality of sellers are evaluated based on a plurality of rated and ranked based upon a plurality of buyer identified bid evaluation criteria. After closing of the auction the buyer requesting the offers is presented with the winning bids and the rating information in order to determine winning bids.

Alaia and Carlton-Foss deemed as closest prior art fails to teach or suggest a method facilitating an electronic auction which comprises the inventive feature of communication of seller offers and a part of rating information to the buyer when a seller offer having a rating above buyer-specified rating level is received. Alaia teaches communicating the seller price ranking and percentage savings from the individual sellers during the course of the auction. Carlton-Foss teaches that the seller rating information is communicated upon conclusion of the auction. Neither reference teaches that the information is communicated to the buyer when a rating of a seller offers is received, which is above a buyer, specified rating level.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on ~~800AM-630PM Mon-Tue and Thu~~

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

8/24/07

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 07/09/1999 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) _____
☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)
☐ One (1) full-tone set is required. Fig(s) _____
☐ Photographs may not be mounted. 37 CFR 1.84(e)
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(c)
☐ Paper not flexible, strong, white, and durable. Fig(s) _____
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2 x 11 inches)
☐ All drawing sheets not the same size. Sheet(s) _____
☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
☒ Margins not acceptable. Fig(s) 24-60.
☒ Top (T) ☒ Left (L)
☒ Right (R) ☐ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)
REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly. Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)
☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)
☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)
☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)
☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) _____

11. SHADING. 37 CFR 1.84(m)
☐ Solid black areas pale. Fig(s) _____
☐ Solid black shading not permitted. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)
☐ Numbers and reference characters not plain and legible. Fig(s) _____
☐ Figure legends are poor. Fig(s) _____
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____

☒ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) 1-60.

13. LEAD LINES. 37 CFR 1.84(q)
☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)
☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)
☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152
☐ Surface shading shown not appropriate. Fig(s) _____
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

* Lines running through references objectionable: Figs. 1-21 (Typicals).

* Figure label must not be enclosed within the drawing: Figs. 31-60.

Reviewer SON LAM

Date 12/14/2006

If you have questions, call (703) ~~305-8404~~

Attachment to Paper No. _____

305-0333 (EXT. 133)

SERIAL NUMBER <p style="text-align: center;">09/350,983</p>	FILING DATE <p style="text-align: center;">07/09/99</p>	CLASS <p style="text-align: center;">705</p>	GROUP ART UNIT <p style="text-align: center;">2761</p>	ATTORNEY DOCKET NO. <p style="text-align: center;">040180-0002</p>												
<div style="display: flex;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 5px;">APPLICANT</div> <div> <p>MARC PORAT, LOS ALTOS HILLS, CA; PAUL MILGROM, PALO ALTO, CA; KEVIN J. SURACE, SUNNYVALE, CA.</p> <p>**CONTINUING DOMESTIC DATA***** VERIFIED <u> </u></p> <p>**371 (NAT'L STAGE) DATA***** VERIFIED <u> </u></p> <p>**FOREIGN APPLICATIONS***** VERIFIED <u> </u></p> <p style="text-align: center;">IF REQUIRED, FOREIGN FILING LICENSE GRANTED 08/03/99 ** SMALL ENTITY **</p> </div> </div>																
<table style="width:100%; border: none;"> <tr> <td style="border: none;">Foreign Priority claimed</td> <td style="border: none;"><input type="checkbox"/> yes <input checked="" type="checkbox"/> no</td> <td style="border: none;">STATE OR COUNTRY</td> <td style="border: none;">SHEETS DRAWING</td> <td style="border: none;">TOTAL CLAIMS</td> <td style="border: none;">INDEPENDENT CLAIMS</td> </tr> <tr> <td style="border: none;">35 USC 119 (a-d) conditions met</td> <td style="border: none;"><input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance</td> <td style="border: none; text-align: center;">CA</td> <td style="border: none; text-align: center;">60</td> <td style="border: none; text-align: center;">112</td> <td style="border: none; text-align: center;">2</td> </tr> </table>					Foreign Priority claimed	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS	35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance	CA	60	112	2
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<div style="display: flex;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 5px;">TITLE</div> <div> <p>METHOD, SYSTEM AND BUSINESS MODEL FOR A BUYER'S AUCTION WITH NEAR PERFECT INFORMATION USING THE INTERNET</p> </div> </div>																
<table style="width:100%; border: none;"> <tr> <td style="width:20%; border: none; vertical-align: top;"> FILING FEE RECEIVED <p style="text-align: center;">\$1,273</p> </td> <td style="width:40%; border: none; vertical-align: top;"> FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for the following: </td> <td style="width:40%; border: none; vertical-align: top;"> <input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit </td> </tr> </table>					FILING FEE RECEIVED <p style="text-align: center;">\$1,273</p>	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for the following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit									
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